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Entered on Docket
May 28, 2010

A handwritten signature in black ink, appearing to read "Linda B. Riegle", is written over a horizontal line.

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,¹

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,²

USA SECURITIES, LLC,³
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION
OF USACM LIQUIDATING TRUST
TO PROOF OF CLAIM OF TOBIAS
VON EUW AS FILED PARTIALLY
IN WRONG DEBTOR'S CASE**

Date of Hearing: April 22, 2010
Time of Hearing: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

The Court having considered the "Objection of USACM Trust to Proof of Claim of Tobias Von Euw as Filed Partially in Wrong Debtor's Case. [DE 8005], (the "Objection"). The Court having heard the Objection at the hearing held on April 22, 2010; appropriate

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

notice of the Objection having been given; no response to the Objection having been filed;
and good cause appearing:

IT IS ORDERED that:

1. The Objection [DE 7915] is sustained;

2. \$947,616.84 of Proof of Claim No. 10725-02481 filed by Tobias Von Euw is disallowed against USA Commercial Mortgage Company on the ground that it is based on an investment in USA Capital Diversified Trust Deed Fund (“DTDF”), and was filed in the wrong case;

3. This order will not prejudice Tobias Von Euw’s rights as a DTDF member to recover from his membership interest; and

4. This order does not affect the remainder of Proof of Claim No. 10725-02481, which is based upon direct lender investments in loans that USACM originated.

PREPARED AND RESPECTFULLY SUBMITTED BY:

LEWIS AND ROCA LLP

By /s/ John Hinderaker (018024)

Robert M. Charles

John Hinderaker (*pro hac vice*)

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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☒ This is a chapter 11 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated above.
- ☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

U.S. Trustee: August Landis	
<input checked="" type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

#

Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
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